

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DALE DWAYNE GREER,

Civil No. 08-4745 (JRT/RLE)

Petitioner,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

STATE OF MINNESOTA,

Respondent.

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Dale Dwayne Greer, #113819, MN Correctional Facility, Stillwater, 970 Pickett Street North, Bayport, MN 55003, pro se petitioner.

Peter Marker, Assistant Attorney General, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 900, St. Paul, MN 55101. Donna Johnson Wolfson, Assistant Hennepin County Attorney, **HENNEPIN COUNTY ATTORNEY'S OFFICE**, 300 South Sixth Street, Suite C-2200, Minneapolis, MN 55487, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson.

Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 21], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. That petitioner's motion to amend his petition for a writ of habeas corpus [Docket No. 19] is **GRANTED**.
2. That petitioner's amended petition for a writ of habeas corpus is **DISMISSED**,  
but without prejudice.

Dated: October 18, 2008  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge